

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN HARPER and LANA KUDINA,

Plaintiffs,

v.

MARK BUSH, and PYRAMID HOMES
INCORPORATED,

Defendants.

Case No. C08-5154FDB

ORDER DENYING PYRAMID
HOMES MOTION FOR MORE
DEFINITE STATEMENT

Plaintiffs *pro se* bring this action for monetary, declaratory, and injunctive relief against Defendants “for discrimination against Russian American on the basis of national origin (spoken accent), familial status, steering, and deprivation of rights in the purchasing of housing violation of the Federal Fair Housing Act, the Federal Civil Rights Act of 1866, and related state laws.” (Complaint p. 1.) The Complaint comprises 14 pages and describes jurisdiction and venue, the complainants, the defendants, lists certain definitions, references the subject property, lists facts in pages three through six, sets forth injuries, sets forth seven claims for relief, followed by sections related to “estoppel” and “history of prosiding” [sic], and finally, the prayer for relief.

Defendants have not filed an answer. Albert F. Schlotfeldt has filed an appearance on behalf of Mark Bush and Pyramid Homes. Additionally, Attorney Schlotfeldt has filed “Pyramid Homes


1 Incorporated's Motion for More Definite Statement." Defendants contend that Plaintiffs do not
2 indicate in the seven claims filed which claims are directed to which defendant, and, therefore,
3 Pyramid is unable to respond with an appropriate answer. Additionally, Defendant contends that the
4 allegations are so vague and ambiguous that he cannot respond with an appropriate answer.

5 Under Fed. R. Civ. P. 12(e), "A party may move for a more definite statement of a pleading
6 to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot
7 reasonably prepare a response." A motion for a more definite statement must be considered in light
8 of Fed. R. Civ. P. 8(a) requiring a short, plain statement of the grounds both for the court's
9 jurisdiction and the claim showing the pleader is entitled to relief, together with a demand for the
10 relief sought. *See Sagan v. Apple Computer, Inc.*, 874 F. Supp. 1072, 1077 (C.D. Cal. 1994); *see*
11 *also* Schwarzer, et al., *Federal Civil Procedure* § 9:349("A motion for more definite statement
12 attacks unintelligibility in a pleading, not simply mere lack of detail. Thus, the motion fails where the
13 complaint is specific enough to apprise defendant of the *substance* of the claim being asserted."
14 Emphasis in original.)

15 The Complaint in this case is far from being unintelligible. Pyramid Homes' motion is not
16 well taken and must be denied.

17 ACCORDINGLY, IT IS ORDERED: Pyramid Homes Incorporated's Motion for More
18 Definite Statement [Dkt. # 4] is DENIED.

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20 DATED this 21st day of April, 2008.

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22 
23 FRANKLIN D. BURGESS
24 UNITED STATES DISTRICT JUDGE
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